

HISTORIC PRESERVATION GRANTS MANUAL

Survey & Planning, Development, Public Education, and Acquisition Projects



ADMINISTERED BY

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I. INTRODUCTION

The Maine Historic Preservation Commission is the State agency responsible for the administration of the National Historic Preservation Act of 1966. This Act authorizes the National Park Service to grant funds from the Historic Preservation Fund (HPF) to States for historic preservation. In turn, the State agency may subgrant funds to eligible recipients in order for other agencies or institutions to conduct allowable activities on its behalf.

The purpose of this manual is to familiarize applicants with the policies and requirements of the HPF program, and to explain the application procedures. Grant recipients are required to be in compliance with Federal and State laws and regulations governing administration.

NOTE: for the December 21, 2007 grant round, funds are available only for Certified Local Government projects and non-CLG public education projects.

Applications must be submitted to the Commission with a postmark no later than December 21st.

II. DEFINITIONS

Certified Local Government (CLG). "Certified Local Government (CLG)" shall mean a local government whose local historic preservation program has been certified pursuant to Section 101(c) of the National Historic Preservation Act of 1966.

Commission. "Commission" shall mean the Maine Historic Preservation Commission.

Director. "Director" shall mean the Director of the Maine Historic Preservation Commission.

Governmental Agencies. "Governmental agencies" shall mean agencies of State government, counties and other political subdivisions of the state.

Historic Preservation Fund (HPF). "Historic Preservation Fund (HPF)" shall mean the source from which monies are appropriated to fund the program of matching grants-in-aid to the States (and other authorized grant recipients) for carrying out the Purpose of the National Historic Preservation Act of 1966, as authorized by Section 108 of the Act.

Historic Property(ies). "Historic Property(ies)" shall mean any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and material remains related to such a property or resource.

National Register of Historic Places. The National Register of Historic Places is the official list of the Nation's cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect out historic and archeological

resources. The Register is administered by the National Park Service under the Secretary of the Interior.

Non-profit Organizations. "Non-profit organizations" shall mean organizations granted tax-exempt status by the Internal Revenue Service.

Preservation. "Preservation" as defined by the *Secretary of the Interior's Standards* is the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property.

Preservation Agreement. A Preservation Agreement is a legal document executed between the State and the property owner in which the property owner of record encumbers the title of the property with a covenant running with the land, in favor of and legally enforceable by the State. The property owner of record (and, if applicable, the holder of the mortgage) must be the executors of the preservation agreement whether or not the owner is the recipient of the grant award.

Stewardship Agreement. A Stewardship Agreement is a legal document executed between the State and the private property owner. The agreement is a personal contract enforceable in a court of law that binds the owner of a property to assume responsibility for maintenance of the property for a period of time relative to the amount of grant assistance provided. This agreement is not recorded with the deed and therefore is not enforceable on future owners.

Register. "Register" shall mean the National Register of Historic Places.

Restoration. "Restoration" as defined by the *Secretary of the Interior's Standards* is the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

Secretary of the Interior's Standards. "Secretary of the Interior's Standards" shall mean *The Secretary of the Interior's Standards for the Treatment of Historic Properties* 1995, 36 CFR Part 68.

III. ELIGIBLE PROJECTS

A. Survey and Planning

Survey projects directly pertinent to the location, identification, documentation, and evaluation of historic and archaeological resources. Planning projects include the development of or providing support for the development of planning studies and historic contexts, as well as ordinances, regulations and guidelines that support local plan goals.

B. Development

Development projects involve pre-development and development activities for the restoration or preservation of buildings, structures and sites that are presently listed in the Register. Projects involving properties determined eligible for the Register but not yet listed are not allowable development projects. Repair costs for churches and Church-owned properties are not allowable. However, predevelopment costs such as architectural plans and specifications or condition assessments of these types of properties are allowable.

C. Public Education

Public Education projects include, but are not limited to: 1) activities to increase overall public awareness of technical preservation methods and techniques having application to historic and archaeological properties; 2) dissemination of information to promote working relationships with the public and private sectors to achieve HPF objectives; and 3) explanation of historic preservation planning and/or the goals of local governments.

D. Acquisition

Acquisition projects involve the acquisition of full fee-simple title or less than full fee-simple title to an historic property for the purpose of ensuring its protection and preservation for future generations.

IV. ELIGIBLE APPLICANTS

A. HPF Applicants

Eligible applicants for HPF grant funds include: state agencies; county governments; municipal governments; educational institutions; private, non-profit institutions as defined by the Internal Revenue Service; environmental consulting firms.

In addition, municipalities which have attained the designation of Certified Local Government by the Department of the Interior are eligible to apply for the minimum ten percent of Maine's annual HPF apportionment which is reserved exclusively for these communities. For more information, see Appendix A: Certified Local Government Information Sheet.

V. FUNDING PRIORITIES AND SELECTION CRITERIA

A. Survey and Planning Projects

Applications for survey and planning projects will be reviewed by the Commission for eligibility and ranked for funding in accordance with the following criteria:

1. Area of Development Activity.

Congress has mandated that States conduct projects which address resources in areas of known development activity. Projects which target resources in counties and towns currently undergoing development will be rated higher than those which do not.

2. Endangered Resource.

The Commission's comprehensive plan contains resource management units (historic contexts) that identify resource types particularly vulnerable to various forces, such as erosion, vandalism, development, and abandonment. Refer to Appendix B for current information on endangered resources.

3. Database Status.

Projects which address a resource or geographic area which is under-represented in the Commission's inventories or which is poorly understood will score higher than those focussing on property types which have been extensively surveyed in the past. Refer to Appendix B for current information on resources for which the Commission's database is lacking.

4. Focus and Products.

The project focus is the type of resource and/or target audience. The project products description should include specific numbers such as: "approximately 20 inventory forms." Reference should be made to how the proposed focus and products relate to the Commission's funding priorities.

5. Continuing Project.

The Commission will sometimes award partial funding for a project, if a scaled-down focus or products will lead to useful results, or if a project lends itself to a phased, multi-year approach. Some projects must be phased due to the applicants' or the Commission's fiscal constraints, availability of personnel, or other legitimate reasons. Subsequent phases will score additional points, since the Commission's goal is to see projects to their successful conclusion.

6. Methodology and Project Personnel.

The description of the project methodology should be specifically related to the project focus and products outlined in the pre-application. Additionally, if the professionals who would conduct the project are known at the time of the application, their resumes should be attached and a description of their professional expertise relative to the methodology of the project should be included. Professionals must meet the minimum qualifications as set forth in Appendix C.

7. Public Benefit.

Applicants should include a summary statement of the public benefit that a grant would make possible.

8. Ability of Applicant to Complete Project.

The ability of the applicant to complete the project by the contract deadline will be determined by the availability of adequate and allowable match for the grant request and by a proposed schedule of work.

9. Complete Application.

Because applications must be complete before they can be considered for funding, applicants are urged to submit them at least two weeks before the deadline to allow time for providing any required additional information. (Yes or No rating.)

10. Administrative Capability.

Applications are rated on the basis of the applicant's record of past accountability in administering Commission and/or other State or Federal grants. Applicants with no such record will be assumed to have administrative capability. (Yes or No rating.)

In addition, the geographic distribution of applications may be considered.

B. Development Projects

Applications for development projects will be reviewed by the Commission for eligibility and ranked for funding in accordance with the following criteria:

1. Historic Significance.

The level of Register significance of the building, structure or site, (local, state, national, or National Historic Landmark) will determine the number of points it receives for this criteria.

2. Endangered Resource.

The extent to which critical needs threaten the survival of the building, structure or site.

3. Focus and Products.

The focus and products should include a project description that delineates the general condition of the building, structure or site as well as an explanation of how the proposed work will address the critical threats to the building, structure or site. The project description should reference the attached photographic prints.

4. Continuing Project.

The Commission will sometimes award partial funding for a project, if a scaled-down focus or products will lead to useful results, or if a project lends itself to a phased, multi-year approach. Some projects must be phased due to the applicants' or the Commission's fiscal constraints, availability of personnel, or other legitimate reasons. Subsequent phases will score additional points, since the Commission's goal is to see projects to their successful conclusion.

5. Methodology and Project Personnel.

The description of the project methodology should be specifically related to the focus and products outlined in the pre-application. The proposed work will be evaluated to ensure that it follows the *Secretary of the Interior's Standards* (see Appendix D). Additionally, if the professionals who would conduct the project are known at the time of the application, their resumes should be attached and a description of their professional

expertise relative to the methodology of the project should be included. Professionals must meet the minimum qualifications as set forth in Appendix C.

6. Public Benefit.

Applicants should include a summary statement of the public benefit that a grant would make possible.

7. Ability of Applicant to Complete Project.

The ability of the applicant to complete the project by the contract deadline will be determined by the availability of adequate and allowable match for the grant request and by a proposed schedule of work.

8. Complete Application.

Because applications must be complete before they can be considered for funding, applicants are urged to submit them at least two weeks before the deadline to allow time for providing any required additional information. (Yes or No rating.)

9. Administrative Capability.

Applications are rated on the basis of the applicants' record of past accountability in administering Commission and/or other State or Federal grants. Applicants with no such record will be assumed to have administrative capability. (Yes or No rating.)

In addition, the geographic distribution of applications may be considered.

C. Public Education Projects

Applications for public education projects will be reviewed by the Commission and ranked for funding in accordance with the following criteria:

1. Focus and Products.

The project focus should identify the target audience and the project product should be clearly identified such as: "training workshop" or "publication."

2. Public Benefit.

Applicants should include a statement about the nature and extent of the public benefit that a grant would make possible.

3. Continuing Project.

The Commission will sometimes award partial funding for a project, if a scaled-down focus or products will lead to useful results, or if a project lends itself to a phased, multi-year approach. Some projects must be phased due to the applicants' or the Commission's fiscal constraints, availability of personnel, or other legitimate reasons. Subsequent phases will score additional points, since the Commission's goal is to see projects to their successful conclusion.

4. Methodology and Project Personnel.

The description of the project methodology should be specifically related to the project focus and products outlined in the pre-application. Additionally, if the professionals who would conduct the project are known at the time of the application, their resumes should be attached and a description of their professional expertise relative to the methodology of the project should be included. Professionals must meet the minimum qualifications as set forth in Appendix C.

5. Ability of Applicant to Complete Project.

The ability of the applicant to complete the project by the contract deadline will be determined by the availability of adequate and allowable match for the grant request and by a proposed schedule of work.

6. Complete Application.

Because applications must be complete before they can be considered for funding, applicants are urged to submit them at least two weeks before the deadline to allow time for providing any required additional information. (Yes or No rating.)

7. Administrative Capability.

Applications are rated on the basis of the applicants' record of past accountability in administering Commission and/or other State or Federal grants. Applicants with no such record will be assumed to have administrative capability. (Yes or No rating.)

In addition, the geographic distribution of applications may be considered.

D. Acquisition Projects

Applications for acquisition projects will be reviewed by the Commission and ranked for funding in accordance with the following criteria:

1. Historic Significance.

The level of Register significance of the building, structure or site, (local, state, national, or National Historic Landmark) will determine the number of points it receives for this criteria.

2. Endangered Resource.

The extent to which critical needs threaten the survival of the building, structure or site and justification as to why acquisition is the only means to ensure the property's preservation.

3. Public Benefit.

Applicants should include a summary statement of the public benefit that a grant would make possible.

4. Complete Application.

Because applications must be complete before they can be considered for funding, applicants are urged to submit them at least two weeks before the deadline to allow time for providing any required additional information. (Yes or No rating.)

5. Administrative Capability.

Applications are rated on the basis of the applicants' record of past accountability in administering Commission and/or other State or Federal grants. Applicants with no such record will be assumed to have administrative capability. (Yes or No rating.)

In addition, the geographic distribution of applications may be considered.

VI. SELECTION PROCESS

The Commission annually seeks to undertake a range of project types through applications which variously address prehistoric archaeological sites, historic archaeological sites, above-ground buildings, structures, and objects, or any combination thereof.

PLEASE NOTE: for the December 21, 2007 grant round, funds are available only for Certified Local Government projects and non-CLG public education projects.

Incomplete applications that have been received by the Commission prior to the application submission deadline may be corrected and re-submitted if time permits before the deadline. Once the applications have been logged by the administrative staff, they are passed on to the relevant program specialists: prehistoric archaeologist, historical archaeologist, or architectural historian. This results in applications for projects of every type focussing on the same resource group being rated as a group. For example, all applications relating to prehistoric archaeology are scored and ranked, with the same separate process for historical archaeology and architectural/structural applications. Applications for projects which are cross-disciplinary are rated jointly by appropriate program specialists.

Final selection of grant awards will be approved by the Commission based upon the rating of the application, as well as the recommendations of the Director and Commission Staff.

VII. FEDERAL AND STATE LAWS AND REGULATIONS

Historic Preservation Fund program funds are subject to the provisions of the National Historic Preservation Act of 1966, as well as other Federal, State and local laws and regulations.

A. Civil Rights

Grant projects must be administered in conformance with the Civil Rights Act of 1964, as well as 43 CFR 17 and Part 506 of the Department Manual, both issued by the Department of the Interior; Section 504 of the Rehabilitation Act of 1973, as amended; and the Americans with Disabilities Act. These laws and regulations prohibit discrimination on the grounds of age, race, color, national origin, or due to a handicap in any program or activity receiving federal financial assistance. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of federal or State assistance should write to: Director, Office of Equal Opportunity, National Park Service, 1849 C Street, NW, Washington, D. C. 20240.

In addition, the Maine Human Rights Act of 1972 (5 M.R.S.A. '4551, et.seq.) prohibits discrimination on the grounds of religion or gender. Any person who believes he or she has been discriminated against on these or the above grounds in any program, activity, or facility operated by a recipient of Federal or State assistance should write to: Maine Human Rights Commission, State House Station 51, Augusta, Maine 04333-0051.

B. Conflict of Interest

No person shall participate in the selection, award, or administration of any HPF assisted program activity, subgrant, contract, or subcontract if a conflict of interest, real or apparent, exists. Nor shall they participate through approval, disapproval, recommendation, or other decision concerning any Federal Preservation Tax Incentive Certification, National Register nomination, or Review and Compliance case if such a conflict, real or apparent, exists.

No person shall engage in outside employment or have any direct or indirect financial interest that conflicts or would appear to conflict with the fair, impartial, and objective performance of officially assigned duties and responsibilities for administration of the HPF program. Employees or agents (i.e., persons authorized to represent the SHPO organization, or to perform any official capacity for it) shall neither solicit nor accept gratuities, favors, nor anything of monetary value from contractors, potential contractors, or parties to potential or actual HPF grant awards.

C. Procurement Actions

Procurement of goods and services must be conducted in a manner that provides for maximum open and free competition in compliance with program requirements, including OMB Circular A-102 (43 CFR 12). Under State of Maine law, procurements of goods and services exceeding a \$1,000.00 unit price are subject to the solicitation of bids from at least three different sources. For procurements with a lower unit price, small purchase procedures apply. However, in all cases procurements are subject to National Park Service (HPF grants only) and Commission approval before they are made.

D. Lobbying

Under the provisions of 18 U.S.C. 1913, neither Federal funds nor matching share may be used for lobbying activities. See Appendix F, section 2.f. for the provisions of this law.

E. Project Period

Project costs must be incurred between the date by which the contract is executed (signed, dated, and notarized by both the Commission and the grant recipient) and the project end-date as stipulated by the contract. Costs incurred prior to the execution of the project contract or following the end-date are not allowable project costs and will not be used as part of the HPF/State matching share.

F. Project Scope

The scope of the project work is stipulated in the contract. Prior to implementing any change, the grant recipient must notify the Commission in writing when such changes to the scope of work are necessary. Some changes may be minor in nature and will be allowable

by written permission of the Commission; most changes will require a contract amendment. In some cases Federal approval of scope changes will be required, and obtaining this approval will cause delays. So that funding is not jeopardized, the grant recipient shall notify the Commission of requested changes immediately.

G. Project Budget

The grant recipient must notify the Commission in writing of any major changes in the budget prior to implementing the change. As a guideline, any increase or decrease of a budget item by more than five percent is a major change. Grant recipients are requested to notify the Commission of under-expenditure of the HPF/State share at the earliest possible date, so that if possible the Commission can re-allocate the excess funds to another activity.

H. Interim Reporting

As stipulated in the project contract, interim reports are required of all HPF projects, even if no work has been done or costs incurred by the interim report due date. In addition, all projects which straddle Federal fiscal years (which run from October 1 through September 30) are subject to this interim reporting requirement. In the latter case, interim reports are required by October 15.

I. Project Extensions

If the grant recipient believes that the contract end-date cannot be met, a written request for an extension must be submitted to the Commission prior to the contract end-date, stating the reason that the extension is necessary. Approval of an extension will be dependent upon Federal or State deadlines and other considerations and is not automatic. Note that project extensions for HPF funded projects must be approved by the National Park Service. Grant recipients must notify the Commission as soon as they become aware that a contract extension may be necessary. When approved, contract end-dates are extended through written authorization of the Commission.

J. Method of Payment

All grant funds are paid on a reimbursement basis only. Documentation of all expenditures (HPF, State, and local matching share) must be submitted to and audited by the Commission. Separate reports must be filed for costs within each Federal or State fiscal year. All expenses must be documented with copies of bills and photocopies of both sides of canceled checks. For development projects, bills for reimbursement shall be approved by the architect/engineer. All matching share must also be documented. Time sheets signed by the employee or volunteer and supervisor are required for volunteer and in-kind services, showing the Commission pre-approved rate and total dollar value of the donated or in-kind time. The dollar value of donated equipment and donated space must also be documented for approval as match. Reimbursement may be made in installments, although a percentage will be withheld for final payment pending approval of the project products by the Commission. In all cases a final project report is required in addition to any technical report which may be a grant product before final reimbursement. The product and reporting requirements are specified in the attachments to the project contract. **IT IS ESSENTIAL THAT GRANT RECIPIENTS READ THE CONTRACT ATTACHMENTS WITH CARE.**

K. Acknowledgement of Funding and Non-Discrimination

In all publications, reports, and newsletters, funding through the National Park Service and the Maine Historic Preservation Commission shall be acknowledged. The following acknowledgement will be used for HPF funded projects:

The activity that is the subject of the (type of publication) has been financed (in part/entirely) with Federal funds from the National Park Service, Department of the Interior and administered by the Maine Historic Preservation Commission. However, the contents and opinions do not necessarily reflect the views and policies of the Department of the Interior or the Maine Historic Preservation Commission, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior or the Maine Historic Preservation Commission. The program receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental Federally Assisted Programs on the basis of race, color, national origin, age, or handicap. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Director, Equal Opportunity Program, U.S. Department of the Interior, National Park Service, P.O. Box 37127, Washington, D. C. 20013-7127.

Development projects shall acknowledge HPF/State support through the erection of a sign that is displayed in a prominent location at each project site while project work is in progress. The sign must identify the project and Department of the Interior, National Park Service grant support. The sign shall meet the format provided by the Commission with the instructions for completing the project contract.

L. Audit

Financial documentation must be submitted before reimbursement can be made to the grant recipient. In addition, Federal Circular A-128 requires that local units of government receiving \$25,000 or more in Federal funds have an audit completed annually. A copy of the audit which covers the project period must be submitted to the Maine Historic Preservation Commission when it becomes available. If Federal funds from a project are questioned during audit, the grants recipients are liable for payback to the Department of the Interior.

M. Hatch Act

No officer or employee whose principal employment is connected with any activity which is financed in whole or in part with grant assistance shall take part in any of the political activity proscribed in the Hatch Political Activity Act, 5 USC 1501, *et. seq.*, as amended, with its stated exceptions.

N. Political Activities

No expenditure of grant funds may be made for the use of equipment or premises for political purposes, sponsoring or conducting candidates' meeting(s), engaging in voter registration activity or voter transportation activity, or other partisan political activities.

O. Disclosure of Information

Financial records, supporting documents, statistical records, and all other records pertinent to a grant provided by the National Park Service are subject to disclosure to others under the Freedom of Information Act, 5 USC 552.

P. Safety Precautions

The State of Maine assumes no responsibility with respect to accidents, illnesses, or claims arising out of any work performed under a grant-supported project. The grantee is expected to take necessary steps to insure itself and its personnel and to comply with the applicable local, State, or Federal safety standards, including those issues pursuant to the National Occupational Safety and Health Act of 1970 (see 20 CFR 1910).

Q. Dual Compensation

If a grant recipient, staff member, or consultant is involved simultaneously in two or more projects supported by Federal funds, and compensation on either project is based upon a percentage of time spent, he or she may not be compensated for more than 100 percent of his/her time from any Federal funds during the time of the period of dual involvement.

R. Coastal Zone Management

The Coastal Zone Management Act of 1972 prohibits Federal assistance to local governments which is inconsistent with the requirements of an approved coastal zone management plan. Further information may be obtained from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D. C. 20235.

S. Record Accessibility and Retention

Grant recipients will submit program, financial, or other reports as are required by the Commission or the National Park Service. On-site inspections by the Commission or the National Park Service will be permitted as required to provide necessary information relevant to compliance with grant conditions. Documentation, papers and records of the grant recipient and any sub-contractor shall be kept for a minimum of three years after Federal funds have been reimbursed to the grant recipient, or until all claims or audit findings have been resolved.

T. Acquisition Requirements

1. Property Title. Acquisition projects must acquire title to the property; either full fee-simple title or a less-than-fee title interest. Such lesser interests include, but are not limited to, easements, rights-of-way, and leaseholds. In providing HPF assistance for such acquisitions, the State must assume responsibility for meeting the same covenant and public access requirements as with fee-simple acquisition.

2. Uniform Relocation Assistance and Real Property Acquisition Policies. Acquisition projects must be accomplished in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (42 U.S.C. 4601 et seq.). Subgrantees must adopt and implement procedures for the acquisition of real property that are fair and consistent, and that provide that the property owner promptly obtains the full measure of compensation authorized by law with a minimum of inconvenience. (See Chapter 20.)
3. Waiver of Right to Just Compensation. If real property is acquired at less than the estimate of fair market value determined by a certified independent professional appraiser(s), there must be documentation that the owner was first provided with a written offer to purchase for the full amount established as just compensation (equal to the approved appraisal of the fair market value).

The grantee must submit in the project application a signed statement by the owner waiving the Right to Just Compensation and indicating that he or she:

- a) Has been informed of all of his or her rights and benefits under the Uniform Relocation Assistance and Real Properties Acquisition Policies Act;
 - b) Has been provided with a statement of just compensation and a written offer to purchase for the amount appraised as full market value (the amount should be shown in the owner's statement);
 - c) Is satisfied with the price to be paid even though it is less than the appraisal of fair market value; and
 - d) The reasons why he or she has elected to accept the lesser amount. (When a partial donation of property (less than appraised fair market value) is to be applied as matching share for an acquisition project, the seller-owner's signed waiver of just compensation and statement of intention to donate the remainder value for historic preservation purposes must be specified.)
4. Independent Relationship. There must be an independent relationship between the seller and the buyer so that unjust enrichment and/or the appearance of unjust enrichment is avoided. For example, a sale of property between relatives or business partners is not eligible for HPF grant assistance.
 5. Appraisals must be performed prior to (but no more than 6 months before) the acquisition of real property.

Two current appraisals are required if the first appraisal obtained results in an appraised value exceeding \$100,000. The cost of obtaining an appraisal is an allowable cost.

Appraisals must be performed by licensed members of the appraiser's profession. The second appraisal may be performed by a professional State Government appraiser.

VIII. FUNDING REQUIREMENTS

Non CLG projects will normally be funded on a 50 percent HPF/State, 50 percent non-HPF/State basis. Projects sponsored by CLGs will normally be funded on a 60 percent HPF, 40 percent non-Federal basis. Minimum grant awards for development projects will normally be \$5,000, and eligible match will be cash only unless approved otherwise by the Commission. For all other project types eligible matching share can be cash (preferable, but not required), donated labor (volunteers), and in-kind services. In some cases donated equipment or donated space, if a significant and essential component of the project, may be used as matching share. All HPF match must be from non-Federal sources, except for Community Development Block Grants and Revenue Sharing funds. Expenditures will be reimbursed only if they are part of the contracted budget and: a) are in payment of an obligation incurred during the grant period; b) are necessary for the accomplishment of approved project objectives; c) conform to appropriate Federal cost principals (OMB Circulars A-87 and A-122) and State requirements; and d) are approved in advance by the Commission and the Department of the Interior.

A. Allowable Costs: Survey & Planning and Public Education Projects

Examples of allowable project costs are listed below:

1. Administration.
Activities directly pertinent to budget formulation and execution, personnel management, finance, property management, payroll, audit, and other support services. The maximum allowable under this item is 15 percent of total project costs, excluding indirect costs.
2. Indirect Costs.
Indirect costs, sometimes termed "overhead," if at a Federally-approved rate; this approval must be documented.
3. Advertising.
Solicitation of bids/proposals for the recruitment of personnel and procurement of goods.
4. Communications.
Communication costs incurred for telephone calls, postage, and similar expenses directly related to the grant project.
5. Equipment Use.
See below under Donated Materials and Equipment Use.
6. Fringe Benefits.
These include such items as the employer's contribution for Social Security, insurance plans, and worker's compensation.
7. Meetings and Conferences.

Speaker's honoraria for conferences co-sponsored by grant recipients where the purpose is the dissemination of information relating to the grant project. This is considered on a case-by-case basis by the Commission. Expenses for attending conferences (travel, registration, accommodations, etc.) are not allowable.

8. Printing and Reproduction.

Photographic and photocopying costs, as well as the printing of forms, reports, brochures, etc., require prior written approval by the National Park Service.

9. Professional Services.

Pay for consultants and contractors must be regular and reasonable, not inflated for government grants. They must not exceed the Federal General Service schedule maximum hourly rate of \$41.49, and should be roughly equivalent to the salaries of comparable Commission staff members.

10. Public Information Service Costs.

Project costs deriving from newsletters, pamphlets, news releases, and other forms of public information services directly related to the grant project are allowable if funding through the National Park Service and the Commission is acknowledged.

11. Rental Costs.

Cost of space essential for the project is allowable, provided that three rate quotations from qualified real estate appraisers for equivalent space in the area are provided. This requirement applies whether the space is rented or donated. Valuation of space will be pro-rated based upon the area used exclusively for the project and only for the duration of the project.

12. Supplies.

The cost of topographic maps, film, stationary supplies, and field expendables are allowable.

13. Travel.

The maximum mileage rate for use of privately-owned vehicles is 40 cents per mile for persons on official travel status relating to the project. Commuting costs are not allowable. The costs of lodging and per diem are not normally allowed by the Commission, but in extraordinary circumstances may be allowed for projects which are located more than 50 miles from the grant recipient's offices.

14. Curation.

Proper treatment and storage of artifacts generated by archaeological projects are allowable costs if incurred within the duration of the project.

B. Allowable Costs: Development Projects

1. Historic, architectural, and archaeological research necessary for pre-construction data collection.
2. Plans and specifications developed by a Maine-licensed architect or engineer.
3. Signs acknowledging HPF assistance at project sites.
4. Exterior and structural restoration; interior restoration; necessary improvements to or installation of wiring, heating, plumbing, and fire/intrusion alarm systems; landscaping limited to grading for drainage, restoration of grounds to documented historic appearance, and repair of damage to grounds due to construction.
5. Final Project Report, including photography.

C. Unallowable Costs: Survey & Planning, Public Education and Development Projects

Examples of costs not eligible for reimbursement are listed below:

1. Lobbying activities to influence legislation pending before Congress.
2. Archival research not necessary to successfully complete the project.
3. Contingency fees or similar provisions for unforeseen events.
4. "Other" costs, unless specified.
5. Court actions or any losses arising from uncorrectable accounts or related collection costs.
6. Entertainment, including amusements, social activities, food, beverages, and related costs.
7. Equipment is not normally an allowable project cost or source of match. In exceptional cases where one or more pieces of equipment are essential to the successful completion of a project, the Commission will consider whether or not it is allowable and determine lease versus purchase options or evaluation of its use, all subject to approval by the Department of the Interior.
8. Fines and Penalties.
9. Fundraising.
10. Interest on borrowing.

11. Interpretive costs, such as interpretive staff salaries or devices such as exhibits not directly related to the project. The exception is on-site signs for development grants.
12. Federally-funded services donated by any person.
13. New construction, with the exception of measures essential to the protection of a building or the accurate reconstruction of lost elements.
14. Furnishings, such as carpets, drapes and furniture.
15. Contingencies, overhead or indirect costs.
16. Any work performed prior to Commission approval of project plans and specifications.

D. Allowable Costs: Acquisition Projects

1. HPF assistance may be used to acquire a property only when it is threatened with demolition, impairment, or other controllable damage from natural or human sources such as erosion, vandalism, or relic collecting; or when grant assistance is essential to ensure the preservation of the property for at least the term of the covenant or preservation agreement. (see Section VIII.E. 4., below).
2. Activities directly pertinent to eligible property title acquisition are allowable.
3. Costs associated with conducting an appraisal and preparing appraisal documents are allowable.

E. Unallowable Costs: Acquisition Projects

1. Acquisition projects that do not acquire title to the property. Using HPF grant assistance to pay a mortgage installment(s), or an option to purchase, does not acquire title and does not adequately protect the property, and is therefore not eligible for HPF grant assistance. Phased acquisition projects are not allowable for HPF grant assistance - each acquisition project must give title to the buyer.
2. Sales of property between relatives or business partners. There must be an independent relationship between the seller and the buyer.
3. The boundary of the HPF Acquisition project cannot exceed the boundaries as listed on the National Register nomination. If additional property is essential to protect the integrity and setting of a historic resource, the National Register boundaries must be expanded before an Acquisition project is initiated. (See the National Register publication *How to Establish Boundaries for National Register Properties*.)

4. The acquisition of a National Register property which has previously received HPF development (or acquisition) grant assistance is not eligible for additional HPF assistance for acquisition costs while the associated covenant or preservation agreement protecting the property is in effect.
5. The cost of borrowing funds for acquisition.
6. The acquisition of a property that is not threatened with demolition, impairment, or other controllable damage from natural or human sources.

F. Allowable Match

1. Cash.
2. Donated services by volunteers who are necessary for the completion of the project will be valued at the Maine State Government position or at the Federal minimum wage of \$5.15 per hour. Except for persons valued at minimum wage, documentation in the form of resumés and/or other information is required for volunteers. In-kind services performed by full-time staff of the grant recipient within the scope of their normal responsibilities in excess of their normal working hours is not allowable as match.

IX. ADMINISTRATION

A. General Supervision

The Director shall supervise all grant awards and the projects financed by such awards.

B. Applications

Applications shall be processed according to the procedures set forth in this rule.

C. Enforcement

Where it is determined that any grant recipient has not fulfilled the terms of the Grant Agreement, and administrative efforts to obtain compliance are unsuccessful, the Director shall refer the matter to the Attorney General for enforcement action.

X. GRANT AWARD PROCEDURES

A. Grant Application Information

The Director will distribute grant applications and grants manuals containing the rules and other information pertaining to administration of Preservation Grants. Announcements will be made annually through legal notices and posting on the Commission's website (<http://www.maine.gov/mhpc/grants>) as long as grant funds remain available.

B. Grant Review and Implementation Schedule

December 21st: Deadline for receipt of applications.

End of January: Commission reviews applications and awards grants.

February-March: Commission develops contract documents and Stewardship/Preservation Agreements as necessary.

NO PROJECT EXPENSES MAY BE INCURRED PRIOR TO COMMISSION NOTIFICATION OF APPLICANT THAT THE LAST STEP ABOVE HAS BEEN SATISFACTORILY COMPLETED.

C. State Agencies

Any department or agency of State government may apply for a Preservation Grant with the approval of the Department or agency head and the Director of the Bureau of General Services.

D. Other Governmental Agencies

Applications from other governmental agencies shall be approved by the legislative body of the political subdivision prior to filing.

E. Grievance Procedure

1. Any applicant aggrieved by the grant award decision of the Director and the Commission may appeal to the Director for a review. Any such appeal must be in writing and shall set forth the manner in which the aggrieved claims a decision was arbitrary or unreasonable. An appeal must be made within 10 days of receipt of notification of adverse decision.
2. The Director may, at his discretion, hold a meeting with the aggrieved applicant. The Director shall appoint a grievance committee of three persons to conduct a review of the appeal. The committee will include representatives from the Commission. The Committee shall, within 21 days, issue a report to the Director which addresses whether the original decision was arbitrary or unreasonable.
3. The final decision of the Director, with approval of the Commission, shall be made in accordance with the selection criteria, after considering the recommendations of the grievance committee. Such a decision shall be final agency action on the matter.
4. An aggrieved applicant may be awarded a grant or an increased grant amount where previously denied or limited to a lower figure only when the grant would not require the denial or decrease in a grant award of other eligible applicants which have already executed contracts or covenants.

XI. GRANT AWARD REQUIREMENTS

A. HPF Contract

1. A successful grant recipient shall enter into an HPF Contract that shall include the amount of the grant award, the project schedule, the scope of work for the project, a

total project budget and general requirements of the grant award.

2. The Grantee must submit a signed copy of the Contract with an original signature to the Commission prior to commencing any work.
3. This contract shall substantially conform to the sample HPF Contract in Appendix F .

B. Stewardship Agreements and Preservation Agreements for Development and Acquisition Projects

1. A successful grant recipient shall enter into a Stewardship Agreement or a Preservation Agreement to guarantee maintenance of the building or structure and public benefit requirements. Requirements will vary, depending on the nature of the work to be accomplished with grant monies. Duration of the Agreement for each building or structure will be determined by the amount of the grant award, as follows:
 - a) Grant assistance from \$1 to \$10,000: 5-year Stewardship Agreement;
 - b) Grant assistance from \$10,001 to \$25,000: 10-year Preservation Agreement;
 - c) Grant assistance from \$25,001 to \$50,000: 15-year Preservation Agreement;
 - d) Grant assistance from \$50,001 to \$100,000: 20-year Preservation Agreement;
 - e) Grant assistance from \$100,001 and above: 30-year Preservation Agreement.
3. This agreement shall substantially conform to the sample Stewardship Agreement in Appendix H or the sample Preservation Agreement in Appendix I.

C. Project Work for Development Projects

1. All project work shall be accomplished by persons licensed in the State of Maine to practice their profession or trade.
2. Plans and specifications must be developed by a licensed architect or engineer prior to preservation or restoration work.
3. A final report of the project, including photography, shall be submitted to the Director upon completion of the project. See Appendix H for Final Report Format.
4. Project work shall conform to *The Secretary of the Interior's Standards for the Treatment of Historic Properties* 1995, 36 CFR Part 68, Standards for Preservation or Standards for Restoration. See Appendix D for *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

D. State Buildings

Grants awarded for the preservation or restoration of State-owned or State-leased buildings or structures shall be implemented in compliance with the State of Maine *Manual of Financial Procedures and Architectural and Engineering Services* Procurement Manual and with the approval of the Bureau of General Services.

XII. STATUTORY AUTHORITY

5 M.R.S.A. §1931, 27-A M.R.S.A. §§504, 505, P. and Sp. L. 1985, c. 73; and 27 M.R.S.A. §558.

APPENDIX A: CERTIFIED LOCAL GOVERNMENT INFORMATION SHEET

The Certified Local Government program was authorized by the National Historic Preservation Act Amendments of 1980 to recognize local preservation expertise and to provide more formal participation by communities in Federal and State historic preservation programs.

WHAT IS A CERTIFIED LOCAL GOVERNMENT?

A certified Local Government is any city, county, town, township, municipality, or borough or any other general purpose subdivision which meets the following criteria and has been certified by the Department of the Interior through the State Historic Preservation Office:

1. Enforces appropriate State or Local legislation for the designation and protection of historic properties.
2. Has established an adequate and qualified historic preservation review commission by State or Local legislation.
3. Maintains a system for the survey and inventory of historic properties.
4. Provides for adequate public participation in the local nominating properties to the National Register of Historic Places.
5. Satisfactorily performs the responsibilities delegated to it under this law.

A Certified Local Government is not the same as certifying a local or State ordinance for use with the Federal Investment Tax Credit Program.

WHAT BENEFIT IS IT TO BECOME A CERTIFIED LOCAL GOVERNMENT?

Once certified by the State Historic Preservation Officer, a certified local government will be able to apply to obtain:

1. Part of at least 10% of the total Federal allocation to the State Historic Preservation Officer.
2. Responsibility for reviewing National Register nominations within the boundaries of the municipality before they are sent to the State level for review and any other responsibilities delegated to it by consent from the State Historic Preservation Office.
3. Eligibility to apply for pre-development (plans and specifications) and development grants.

WHAT ARE THE MINIMUM STANDARDS?

In order to become a Certified Local Government a community must meet the above criteria (1-5) as defined in minimum standards formulated in each State by the State Historic Preservation Office in consultation with local landmark and historic district commissions or architectural review boards.

Municipalities are urged to contact the Commission for information on minimum CLG standards.

APPENDIX B: ENDANGERED RESOURCES AND DATABASE STATUS

A. Endangered Resources (prehistoric archaeology)

The Commission recognizes that a specific archaeological site may be threatened by an act of Nature, or of human agency not protected by State or federal review laws or funding, which would make the individual site an endangered resource. Certain geographic areas of the State are particularly endangered, including:

1. Shoreland zone, the shoreline abutting tidal water where coastal subsidence and high tidal increase is causing erosion; and
2. Eroding shorelines of artificial impoundments such as dams and hydroelectric reservoirs.

In addition, sites of certain time periods are particularly endangered by the monetary value that may be attached to the artifacts in them by collectors, including:

1. Fluted point Paleoindian sites;
2. Late Paleoindian sites; and
3. Early, Middle, or Late Archaic mortuary sites containing high-quality grave goods of stone, bone, or other materials.

B. Database Status (prehistoric archaeology)

Existing survey data and National Register listings indicate gaps in coverage which may be either geographic or specific to certain cultures or time periods (contexts). Moreover, the coverage can be good in an area at the Reconnaissance level, but poor for site significance (National Register listing evaluation). Areas which have been covered at both levels will be mapped in the next revision of the State Plan, but under-surveyed areas can be located by inquiring of Commission staff.

In addition, two types of landforms which constitute under-surveyed geographic coverage exist in an irregular and disjunct distribution Statewide are:

1. Sandy soils away from major bodies of water; and
2. Fossil shorelines of lakes or rivers that have changed their level or course.

Also, there is a limited database for the following contexts: Paleoindian, Late Paleoindian, Early and Middle Archaic, Early Contact Period, and Late Contact Period.

Finally, any site of any time period which exhibits exceptional or rare preservation or contents constitutes a poorly known database. Examples include:

1. Prehistoric fishweir preserving wooden stakes and perhaps other perishable items.
2. A Ceramic Period site with multiple house floor preservation allowing the study of community plan and activities.

C. Endangered Resources (historical archaeology)

The same general observations noted above for prehistoric archaeological sites apply as well to historic archaeological sites. Particularly vulnerable to erosion and vandalism are the coastal and estuarine sites of the 17th to the mid-18th century, including the following site types:

1. Fishing stations
2. Trading posts

3. Farmsteads
4. Forts
5. Boatyards
6. Mills
7. Smithies
8. Taverns

D. Database Status (historical archaeology)

The least understood Euro-American sites in Maine, particularly from the standpoint of architecture, are those dating from the first settlement period (1604-1676) and the period of the frontier wars (1676-1763). In addition, sites representing the earliest Euro-American penetration of a given area, whenever that occurred, are not well known. Sites relating to minority ethnic groups which are poorly documented are also under-represented in the Commission's Historic Archaeological Sites Inventory, as are sites relating to important Maine industries such as logging and mining.

E. Endangered Resources (architectural history)

Survey priorities are largely based on our current level of knowledge about an area's resources as well as the threats which endanger them. In addition, consideration shall be given to identifying specific classes of properties in those regions which are particularly vulnerable, unique, or whose evaluation would advance our understanding of a specific historic context. Among the state's endangered historic architectural resources are:

1. Agricultural resources, especially barns and related outbuildings.
2. Rural historic districts.
3. Automobile related resources.

F. Database Status (architectural history)

Geographic areas and resource specific information that are under represented in the Commission's database include:

1. Aroostook County
2. Piscataquis County
3. Somerset County
4. Washington County
5. Rural York County
5. Farmsteads with intact field systems marked by stone boundary walls.

APPENDIX C: PROFESSIONAL QUALIFICATIONS, 36 CFR 61

In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

- A. History.** The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:
1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or
 2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.
- B. Architectural History.** The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history with concentration in American architecture; or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following:
1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
 2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.
- C. Architecture.** The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture; or a State license to practice architecture.
- D. Historical Architecture.** The minimum professional qualifications in historical architecture are a professional degree in architecture or State license to practice architecture, plus one of the following:
1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field, and at least one year of full-time professional experience on preservation and restoration projects; or
 2. At least two years of full-time, professional experience on preservation and restoration projects. Experience on preservation and restoration projects shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.
- E. Archaeology.** The minimum professional qualifications in archaeology are a graduate

degree in archaeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration, or management;
2. At least four months of supervised field and analytic experience in general North American archaeology;
3. Demonstrated ability to carry research to completion; and
4. At least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric or historic period for, respectively, professionals in prehistoric or historical archaeology.

In addition, the Commission has established the following requirements:

1. Professional experience in prehistoric and/or historic archaeology in northern New England;
2. Institutional or corporate affiliation to ensure fiscal accountability; and
3. Commitment from an institution or agency for proper curation of recovered materials.

APPENDIX D: SECRETARY OF THE INTERIOR'S STANDARDS AND GUIDELINES FOR THE PRESERVATION AND RESTORATION OF HISTORIC BUILDINGS

The *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving and Restoring Historic Buildings* are intended to provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to treatment.

STANDARDS FOR PRESERVATION

Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

GUIDELINES FOR PRESERVING HISTORIC BUILDINGS

The expressed goal of the **Standards for Preservation and Guidelines for Preserving Historic Buildings** is retention of the building's existing form, features and detailing. This may be as simple as basic maintenance of existing materials and features or may involve preparing a historic structure report, undertaking laboratory testing such as paint and mortar analysis, and hiring conservators to perform sensitive work such as reconstituting interior finishes. Protection, maintenance, and repair are emphasized while replacement is minimized.

Identify, Retain, and Preserve Historic Materials and Features

The guidance for the treatment **Preservation** begins with recommendations to identify the form and detailing of those architectural materials and features that are important in defining the building's historic character and which must be retained in order to preserve that character. Therefore, guidance on *identifying, retaining, and preserving* character-defining features is always given first. The character of a historic building may be defined by the form and detailing of exterior materials, such as masonry, wood, and metal; exterior features, such as roofs, porches, and windows; interior materials, such as plaster and paint; and interior features, such as moldings and stairways, room configuration and spatial relationships, as well as structural and mechanical systems; and the building, site and setting.

Stabilize Deteriorated Historic Materials and Features as a Preliminary Measure

Deteriorated portions of a historic building may need to be protected thorough preliminary stabilization measures until additional work can be undertaken. *Stabilizing* may include structural reinforcement, weatherization, or correcting unsafe conditions. Temporary stabilization should always be carried out in such a manner that it detracts as little as possible from the historic building's appearance. Although it may not be necessary in every preservation project, stabilization is nonetheless an integral part of the treatment **Preservation**; it is equally applicable, if circumstances warrant, for the other treatments.

Protect and Maintain Historic Materials and Features

After identifying those materials and features that are important and must be retained in the process of **Preservation** work, then *protecting and maintaining* them are addressed. Protection generally involves the least degree of intervention and is preparatory to other work. For example, protection includes the maintenance of historic materials through treatments such as rust removal, caulking, limited paint removal, and reapplication of protective coatings; the cyclical cleaning of roof gutter systems; or installation of fencing, alarm systems and other temporary protective measures. Although a historic building will usually require more extensive work, an overall evaluation of its physical condition should always begin at this level.

Repair (Stabilize, Consolidate, and Conserve) Historic Materials and Features

Next, when the physical condition of character-defining materials and features requires additional work, *repairing* by *stabilizing, consolidating, and conserving* is recommended. **Preservation** strives to retain existing materials and features while employing as little new material as possible. Consequently, guidance for repairing a historic material, such as masonry, again begins with the least degree of intervention possible such as strengthening fragile materials through consolidation, when appropriate, and repointing with mortar of an appropriate strength. Repairing masonry as well as wood and architectural metal features may also include patching, splicing, or otherwise reinforcing them using recognized preservation methods. Similarly, within the treatment **Preservation**, portions of a historic structural system could be reinforced using contemporary materials such as steel rods. All work should be physically and visually compatible, identifiable

upon close inspection and documented for future research.

Limited Replacement In Kind of Extensively Deteriorated Portions of Historic Features

If repair by stabilization, consolidation, and conservation proves inadequate, the next level of intervention involves the ***limited replacement in kind*** of extensively deteriorated or missing parts of features when there are surviving prototypes (for example, brackets, dentils, steps, plaster, or portions of slate or tile roofing). The replacement material needs to match the old both physically and visually, *i.e.*, wood with wood, etc. Thus, with the exception of hidden structural reinforcement and new mechanical system components, substitute materials are not appropriate in the treatment **Preservation**. Again, it is important that all new material be identified and properly documented for future research.

STANDARDS FOR RESTORATION

Restoration is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code--required work to make properties functional is appropriate within a restoration project.

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

GUIDELINES FOR RESTORING HISTORIC BUILDINGS

Rather than maintaining and preserving a building as it has evolved over time, the expressed goal of the **Standards for Restoration and Guidelines for Restoring Historic Buildings** is to make the building appear as it did at a particular - and most significant - time in its history. First, those materials and features from the "restoration period" are identified, based on thorough historical research. Next, features from the restoration period are maintained, protected, repaired (i.e., stabilized, consolidated, and conserved), and replaced, if necessary. As opposed to the treatment **Preservation**, the scope of work in **Restoration** can include removal of features from other periods; missing features from the restoration period may be replaced, based on documentary and physical evidence, using traditional materials or compatible substitute materials. The final guidance emphasizes that only those designs that can be documented as having been built should be recreated in a restoration project.

Identify, Retain, and Preserve Materials and Features from the Restoration Period

The guidance for the treatment **Restoration** begins with recommendations to identify the form and detailing of those existing architectural materials and features that are significant to the restoration period as established by historical research and documentation. Thus, guidance on *identifying, retaining, and preserving features* from the restoration period is always given first. The historic building's appearance may be defined by the form and detailing of its exterior materials, such as masonry, wood, and metal; exterior features, such as roofs, porches, and windows; interior materials, such as plaster and paint; and interior features, such as moldings and stairways, room configuration and spatial relationships, as well as structural and mechanical systems; and the building's site and setting.

Protect and Maintain Materials and Features from the Restoration Period

After identifying those existing materials and features from the restoration period that must be retained in the process of **Restoration** work, then *protecting and maintaining* them is addressed. Protection generally involves the least degree of intervention and is preparatory to other work. For example, protection includes the maintenance of historic material through treatments such as rust removal, caulking, limited paint removal, and re-application of protective coatings; the cyclical cleaning of roof gutter systems; or installation of fencing, alarm systems and other temporary protective measures. Although a historic building will usually require more extensive work, an overall evaluation of its physical condition should always begin at this level.

Repair (Stabilize, Consolidate, and Conserve) Materials and Features from the Restoration Period

Next, when the physical condition of restoration period features requires additional work, repairing by *stabilizing, consolidating, and conserving* is recommended. **Restoration** guidance focuses upon the preservation of those materials and features that are significant to the period. Consequently, guidance for repairing a historic material, such as masonry, again begins with the least degree of intervention possible, such as strengthening fragile materials through consolidation, when appropriate, and repointing with mortar of an appropriate strength. Repairing masonry as well

as wood and architectural metals includes patching, splicing, or otherwise reinforcing them using recognized preservation methods. Similarly, portions of a historic structural system could be reinforced using contemporary material such as steel rods. In **Restoration**, repair may also include the limited replacement in kind --or with compatible substitute material-- of extensively deteriorated or missing parts of existing features when there are surviving prototypes to use as a model. Examples could include terra-cotta brackets, wood balusters, or cast iron fencing.

Replace Extensively Deteriorated Features from the Restoration Period

In **Restoration**, replacing an entire feature from the restoration period (i.e., a cornice, balustrade, column, or stairway) that is too deteriorated to repair may be appropriate. Together with documentary evidence, the form and detailing of the historic feature should be used as a model for the replacement. Using the same kind of material is preferred; however, compatible substitute material may be considered. All new work should be unobtrusively dated to guide future research and treatment. If documentary and physical evidence are not available to provide an accurate recreation of missing features, the treatment Rehabilitation might be a better overall approach to project work.

Remove Existing Features from Other Historic Periods

Most buildings represent continuing occupancies and change over time, but in **Restoration**, the goal is to depict the building as it appeared at the most significant time in its history. Thus, work is included to remove or alter existing historic features that do not represent the restoration period. This could include features such as windows, entrances and doors, roof dormers, or landscape features. Prior to altering or removing materials, features, spaces, and finishes that characterize other historical periods, they should be documented to guide future research and treatment.

Re-Create Missing Features from the Restoration Period

Most **Restoration** projects involve re-creating features that were significant to the building at a particular time, but are now missing. Examples could include a stone balustrade, a porch, or cast iron storefront. Each missing feature should be substantiated by documentary and physical evidence. Without sufficient documentation for these "re-creations," an accurate depiction cannot be achieved. Combining features that never existed together historically can also create a false sense of history. Using traditional materials to depict lost features is always the preferred approach; however, using compatible substitute material is an acceptable alternative in **Restoration** because, as emphasized, the goal of this treatment is to replicate the "appearance" of the historic building at a particular time, not to retain and preserve all historic materials as they have evolved over time.

Energy Efficiency / Accessibility Considerations / Health and Safety Code Considerations

These sections of the **Restoration** guidance address work done to meet accessibility requirements and health and safety code requirements; or limited retrofitting measures to improve energy efficiency. Although this work is quite often an important aspect of restoration projects, it is usually not part of the overall process of protecting, stabilizing, conserving, or repairing features from the restoration period; rather, such work is assessed for its potential negative impact on the building's historic appearance. For this reason, particular care must be taken not to obscure, damage, or destroy historic materials or features from the restoration period in the process of undertaking work to meet code and energy requirements.

APPENDIX E: SAMPLE HPF CONTRACT

SURVEY & PLANNING, DEVELOPMENT, PUBLIC EDUCATION AND ACQUISITION GRANTS

CONTRACT

between

**STATE OF MAINE
MAINE HISTORIC PRESERVATION COMMISSION**

and

THIS CONTRACT is made and entered into by and between the State Of Maine, MAINE HISTORIC PRESERVATION COMMISSION (hereinafter called the "Commission") and the _____ (hereinafter called the "Applicant"). The Commission and the Applicant mutually agree as follows:

1. The Commission has awarded a U. S. Department of the Interior matching grant-in-aid in an amount not to exceed \$_____ to the Applicant for the purpose of conducting the _____ in accordance with the scope of work, timetable and budget in the Special Provisions attached to this contract. These Federal funds must be matched by a minimum of \$_____.
2. In carrying out the _____, the Applicant agrees to:
 - a) Duly and faithfully comply with all conditions of this contract.
 - b) Duly and faithfully comply with all applicable Federal and State laws, regulations, policies, requirements, and guidelines. In addition to the terms detailed in this Subgrant Agreement, all Federal requirements governing grants (office of Management and budget Circulars A-87 or A-122, A-102 or A-110, and A-128 or A-133) are applicable.
 - c) Duly and faithfully ensure that procurement actions will be conducted in a manner that provides for maximum open and free competition in compliance with program requirements, including OMB Circular A-102, and that the Commission is provided documentation of such compliance if applicable before reimbursement by the Commission.
 - d) Duly and faithfully ensure that all costs charged to the grant project will be in payment of an approved budget item during the project period and will conform to the cost principles of OMB Circular A-87.
 - e) Duly and faithfully ensure that matching share will not consist of funds from the Federal Government under another assistance agreement unless authorized by the Commission, and that matching share will be applied solely to the grant in question.
 - f) Duly and faithfully ensure that the project conforms to provisions of 18 U.S.C. 1913: "No part of the money appropriated by any enactment of Congress shall, in the absence of express

authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designated to influence in any manner a member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or its Departments or agencies from communicating to Members of Congress at the request of any Member, or to Congress through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business." Thus, costs associated with activities to influence legislation pending before the Congress, commonly referred to as "lobbying", are unallowable as charges to HPF-assisted grants, whether on a direct or indirect cost basis.

- g) Duly and faithfully comply with all instructions issued by the Commission and the U. S. Department of the Interior.
- h) Permit representatives of the Commission and the U. S. Department of the Interior complete and free access to all files and records relating to the project at all times during regular business hours.
- i) Provide documentation as requested by the Commission and the U. S. Department of the Interior relating to the status of the project and compliance with the terms and conditions of this Contract.
- j) Use the following phrase in all authorized publications and other forms of publicity connected with the project:

This publication has been financed in part with Federal funds from the National Park Service, Department of the Interior. However, the contents and opinions do not necessarily reflect the views and policies of the Department of the Interior, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior. The Maine Historic Preservation Commission receives Federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964 and section 504 of the Rehabilitation Act of 1973, the U. S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, or handicap in its federally assisted program. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to:

*Office of Equal Opportunity
National Park Service
1849 C Street, N.W.
Washington, D. C. 20240*

- k) Understand that this Contract may be canceled, terminated, or suspended by the Commission for cause, following written notification to the Applicant; further understand that the Commission and/or the Applicant may terminate this Contract in whole or in part when both parties agree that continuation of the project will no longer yield the products specified below.
- l) Understand that in cases of contracts awarded in excess of \$10,000.00, the Applicant agrees to comply with Title 18, U.S.C. 874, the Anti-Kickback Act, which States in part: "Whoever, by force, intimidation, or threat of procuring dismissal from employment, or by any other manner whatsoever induced any person employed in the construction, prosecution, completion or repair of any public building, public work, or building or

work financed in whole or in part by loans or grants from the United States, to give up any part of the compensation to which he is entitled under his contract of employment, shall be fined not more than \$5,000.00 or imprisoned not more than five years, or both."

- m) Understand that payment of this grant will be by reimbursement, requiring copies of bills, canceled checks, time-sheets, and documented proof of matching share.
- n) Ensure that adequate financial resources will be available for performance, including necessary experience, organization, technical qualifications and facilities, to complete the project.
- o) Ensure that an adequate financial management system (and audit procedure when required by the Commission or the U. S. Department of the Interior) will be maintained which provides efficient and effective accountability and control of all property, funds and assets. Ensure that the Single Audit Act of 1984 will be complied with (for State or local governments) or the requirements of OMB Circular A-110 (for universities and non-profit organizations).
- p) Ensure that project work will not commence until the grant has been approved by the U. S. Department of the Interior, and understand that the Commission will not be held liable by any party if such approval is not provided.
- q) Provide the Commission with copies of all contracts entered into in connection with the project.
- r) Understand that the cost of work not conforming to the *Secretary of the Interior's Standards for Archaeology and Historic Preservation/Restoration* and the terms and conditions of this agreement will not be reimbursed.
- s) Ensure that no member, officer, or employee of the Maine Historic Preservation Commission, including Commission members and staff, will benefit financially from the project, except that such persons may provide technical, consultative, or oversight assistance in a voluntary capacity.
- t) Comply with the Title VI of the Civil Rights Act of 1964 [42 USC 2000 (d)] and Section 504 of the Rehabilitation Act of 1973 [29 USC Section 794], the Americans with Disabilities Act, and Maine Human Rights Act of 1972. These laws prohibit discrimination on the basis of race, color, national origin, handicap, age, and gender. In implementing open, public access, reasonable accommodation to qualified handicapped persons shall be made in consultation with the Commission.
- u) Understand that the following additional requirements will apply to development (restoration) projects:
 - (1) a Preservation Agreement or Covenant will be executed prior to disbursement of grant funds;
 - (2) a project sign acknowledging National Park Service assistance will be erected at the project site unless this requirement is waived by the National Park Service in writing;
 - (3) the architectural plans and specifications must be approved by the Commission as being in conformance with the Secretary of the Interior's "Standards for Historic Preservation Projects" prior to the beginning of construction work;
 - (4) federal flood insurance requirements will be met; and
 - (5) the project must comply with Coastal Zone Management, Floodplain Management, and NEPA requirements, as applicable, including any waivers or exceptions allowed under those requirements.

3. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the presentations and agreements made in this Contract, and that the Commission and the U. S. Department of the Interior shall reserve the right to seek judicial enforcement of this Assurance. This Assurance is binding on the Applicant, its successors, transferees, and assignees; the Applicant hereby certifies that the person signing below on its behalf is duly authorized to do so.

Earle G. Shettleworth, Jr., Director
and State Historic Preservation Officer
State of Maine
Maine Historic Preservation Commission

Witness: Notary Public

Date

Applicant

By
Signature

Witness: Notary Public

Date

Name (Typed or Printed)

Title (Typed or Printed)

SPECIAL PROVISIONS

Page 1 of 3

[Sample Special Provisions, to be modified in relation to specific scope of work]

The Applicant agrees to conduct the _____.

The Applicant agrees to:

1. Ensure that the project will be directed by a person who has been approved by the Commission for this purpose and who meets the minimum Federal credentials requirements stipulated in 36 CFR 61 as an historian, architectural historian, historical architect, prehistoric archaeologist, or historical archaeologist (as appropriate).
2. Ensure that all work will meet the *Secretary of the Interior's Standards for Archaeology and Historic Preservation*. The *Standards* which apply to this project are the *Secretary of the Interior's Standards for Identification and Evaluation*.
3. Ensure that the entire _____ (____) acres of _____ will be covered by a reconnaissance-level survey, involving the photography of all buildings and filling out, as accurately and completely as possible, of a Commission survey and inventory card for each building, with the appropriate photographic contact print affixed to the card, the Commission to take ownership of all cards and photographic negatives upon completion of the project.
4. Provide a project summary narrative by the project Director on results and products of the survey, including an acceptable final project report which compares completed activities and budget with those in this contract. This report shall conform to the *Secretary of the Interior's Guidelines for Reporting Identification Results*.
5. Provide a 7.5' USGS topographic map with the project boundaries clearly marked.
6. Provide a large-format map of the surveyed area (scale to be approved by the Commission in advance of its submission), indicating street/road names and keying the location of each building by a number to each inventory card.
7. Understand that the stipulated scope of work and products can only be changed by means of prior written approval by the Commission.

SPECIAL PROVISIONS

Page 2 of 3

Budget

Personnel: \$

Equipment: \$

Supplies: \$

Total: \$

Source of Match:

Federal Share: \$

Non-Federal Share: \$

Donor: _____ Donor: _____

Source: _____ Source: _____

Kind: _____ Kind: _____

Amount: _____ Amount: _____

Understand that the budget items and figures above will be adhered to, unless the Commission provides prior written approval of amendments.

SPECIAL PROVISIONS**Page 3 of 3**

[Sample Project Milestone Schedule, to be modified in relation to specific scope of work]

Project Milestone Schedule

BEGINNING DATE	00/00/00
RFP TO SHPO FOR REVIEW	00/00/00
DRAFT CONSULTANT CONTRACT TO SHPO FOR REVIEW	00/00/00
FIRST INTERIM PROGRESS REPORT (as of 00/00/00)	00/00/00
FIRST THIRTY Commission SURVEY INVENTORY FORMS	00/00/00
SECOND INTERIM PROGRESS REPORT (as of 00/00/00)	00/00/00
SITE VISIT (To be arranged. Need to have comparison of Approved Line Item Budget to Actual as of 00/00/00 available for review on-site.)	00/00/00
BALANCE OF INVENTORY FORMS	00/00/00
THIRD INTERIM PROGRESS REPORT (as of 00/00/00)	00/00/00
DRAFT SURVEY REPORT	00/00/00
PROJECT END DATE	00/00/00
FINAL SURVEY REPORT	00/00/00
FINAL PROJECT REPORT	00/00/00
FINAL BILLING	00/00/00

This interim reporting schedule can be changed only by prior written approval by the Commission.

APPENDIX F: SAMPLE STEWARDSHIP AGREEMENT

THIS STEWARDSHIP AGREEMENT is made the ____ day of _____, 20____, by _____ (hereinafter referred to as the "Owner") and in favor of the State acting through the Director of the Maine Historic Preservation Commission (hereinafter referred to as the "Grantee") for the purpose of the preservation or restoration of a certain Property known as the [enter the property name], located at [enter the street address, city, and county], Maine, which is owned in fee simple by the Owner and is listed in the National Register of Historic Places.

The Property is comprised essentially of grounds, collateral or appurtenant improvements, and is known as the [enter the property name]. The Property is more particularly described in the _____ County Registry of Deeds, Book number _____ and Page number _____.

In consideration of the sum of [enter grant award] received in grant-in-aid assistance through the Grantee from the National Park Service, United States Department of the Interior, the Owner hereby agrees to the following for a period of five (5) years:

1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property, in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places.
2. The Owner agrees that no visual or structural alterations will be made to the Property without prior written permission of the Grantee.
3. The Owner agrees that the Grantee, its agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this agreement are being observed.
4. The Owner agrees to provide public access to view the grant-assisted work or property no less than 12 days a year on an equitably spaced basis. At the Owner's option, the property may also be open at other times by appointment, in addition to the scheduled 12 days a year. Nothing in this agreement will prohibit a reasonable nondiscriminatory admission fee, comparable to fees charged at similar facilities in the area.
5. The [Owner] agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 (d)), the Americans with Disabilities Act (42 U.S.C. 12204), and with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). These laws prohibit discrimination on the basis of race, religion, national origin, or disability. In implementing public access, reasonable accommodation to qualified disabled persons shall be made in consultation with the Maine Historic Preservation Commission.
6. The Owner further agrees that when the Property is not open to the public on a continuing basis, and when the improvements assisted with grant funds are not visible from the public way, notification will be published in newspapers of general circulation in the community area in which the Property is located giving dates and times when the Property will be open. Documentation of such notice will be furnished annually to the

Maine Historic Preservation Commission during the term of the agreement.

7. The agreement shall be enforceable in specific performance by a court of competent jurisdiction.

8. SEVERABILITY CLAUSE

It is understood and agreed by the parties hereto that if any part, term, or provision of this agreement is held to be illegal by the courts, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular part, term, or provision held to be invalid.

Signature of Grantee (Director)

Signature of Owner

Date of Signature

Date of Signature

Witnessed by Notary Public

Witnessed by Notary Public

APPENDIX G: SAMPLE PRESERVATION AGREEMENT

THIS CONVEYANCE is made this [date] day of [month], 20[yr] pursuant to 33 MRSA §§ 1551-1555 by and between the [property owner], a non-profit organization having its location in [town], Maine, hereinafter sometimes called the Grantor, and the State of Maine through the Director of the Maine Historic Preservation Commission, hereinafter sometimes called the Grantee.

WITNESSETH

WHEREAS THE Grantor is owner of certain premises known as the [name of property] located at [street address], [town], [county], Maine, which premises has been listed in the National Register of Historic Places under the National Historic Preservation Act of 1966 (P.L. 89665, 16 U.S.C. § 470a, *et. seq.*); and

WHEREAS THE State of Maine through the Director of the Maine Historic Preservation Commission is presently responsible for precluding any activity or omission at the premises which would destroy or impair its value to the public as an historic place; and

WHEREAS THE Grantor is willing to grant to the State of Maine the preservation interest as hereinafter expressed for the purpose of insuring that the value of the premises for such purposes will not be destroyed or impaired;

NOW THEREFORE in consideration of the sum of One Dollar and other valuable consideration paid to the Grantor, the receipt whereof is hereby acknowledged, the Grantor does hereby give, grant, bargain, sell and convey, with covenant of warranty, to the State of Maine a preservation interest in the following described lots or parcel of land, with the buildings and improvements thereon (the real property together with the buildings and improvements thereon and the fixtures attached thereto and the appurtenances thereof, being hereinafter collectively referred to as the "Property") located in [town, county], Maine and described in the [county name] County Registry of Deeds, Book number _____, Page number _____.

The preservation interest herein granted shall be of the nature and character hereinafter expressed and shall be binding upon the Grantor; its successors and assigns.

The Property is comprised of grounds, collateral or appurtenant improvements, and the [property name]. The [property name] is more particularly described as follows:

[Insert property description here]

The foregoing description of the [property name] may be amended, replaced, or elaborated upon in more detail, and a description of the style, landscaping and similar particulars of the grounds, and any collateral or appurtenant improvements on the Property may be added, by an instrument in writing, signed by both parties hereto, making reference to this Preservation Agreement and filed of record in the [county name] County Registry of Deeds. If and when such an instrument is placed of record, it shall be deemed to be a part of this Preservation Agreement as if set out herein.

For the purpose of preserving, protecting, maintaining the Property, including its significance and value to the public as an historic place, the Grantor does hereby covenant and agree, on behalf of itself, its successors and assigns with the Grantee, its successors and assigns, to the following for a period of [] () years [enter the required term]:

1. The grantor agrees to assume the cost of continued maintenance and repair of the property, in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (see 36 C.F.R. Part 67), so as to preserve the architectural, historical, or archaeological integrity of the property in order to protect and enhance those qualities that made the property eligible for listing in the National Register of Historic Places. Nothing in this agreement shall prohibit the grantor from seeking financial assistance from any source available to him.
2. No construction, alteration, remodeling, changes of color or surfacing, or any other thing shall be undertaken or permitted to be undertaken on the Property which would affect the structural integrity, the appearance, the cultural use, or archaeological value of the Property without the express prior written approval of the State of Maine through the Director of the Maine Historic Preservation Commission, or any successor agency.
3. Grantee, its agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the terms and conditions of this Preservation Agreement are being complied with.
4. Grantor agrees to provide public access to view the grant-assisted work or property no less than 12 days a year on an equitably spaced basis. At the Grantor's option, the property may also be open at other times by appointment, in addition to the scheduled 12 days a year. Nothing in this agreement will prohibit a reasonable nondiscriminatory admission fee, comparable to fees charged at similar facilities in the area.
5. The Grantor agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 (d)), the Americans with Disabilities Act (42 U.S.C. 12204), and with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). These laws prohibit discrimination on the basis of race, religion, national origin, or disability. In implementing public access, reasonable accommodation to qualified disabled persons shall be made in consultation with the Maine Historic Preservation Commission.
6. If the Grantor fails to observe or if the Grantor violates any covenant, agreement, or provision contained herein, then the Grantee shall in addition to all other remedies available at law or in equity, have the right to enforce this Preservation Agreement, including each of its provisions, by specific performance or injunctive relief.
7. The Preservation Agreement set forth herein is intended by the parties hereto to preserve the historic integrity of the Property pursuant to the provisions of 33 MRSA §§ 1551-1555, or other provisions of law that may be applicable.
8. This Preservation Agreement provides the Grantee with additional legal rights and does not supercede or replace any pre-existing legal obligations of the Grantor or legal rights of the Grantee.
9. The Preservation Agreement set forth herein shall be binding upon and shall inure to the benefit of the Grantor and the Grantee and their respective successors and assigns. **TO HAVE AND TO HOLD** the aforegranted and bargained Preservation Agreement with all the privileges and appurtenances thereof to the said State of Maine through the Director of the Maine Historic Preservation Commission, its successors and assigns, to its and their use and behoof for a period of [X]years from and after the date hereof.

10. SEVERABILITY CLAUSE

It is understood and agreed by the parties hereto that if any part, term, or provision of this agreement is held to be illegal by the courts, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular part, term, or provision held to be invalid.

IN WITNESS WHEREOF, The [property owner], signed by _____,
_____, and _____, its officers
duly authorized and have hereunto set hand and seal for the purpose set forth above, all as of the
day and year first written above.

[PROPERTY OWNER]

By _____

STATE OF MAINE

Any, §

Date

Then personally appeared the above named _____,
_____, and _____, of
the [property owner], and acknowledged the foregoing instrument to be their free act and deed in
said capacity and the free act and deed of the [property owner, town], Maine.

Before me,

Notary Public

APPENDIX H: FORMAT FOR FINAL PROJECT REPORT - Development Projects

The following material will form the basis for the final project report for each development project.

PART 1

Property and Ownership Identification

1. National Register name and address of the assisted property.
2. Name and address of the property's owner.
3. Name and address of architectural/engineering firm.
4. Dates of project work (including development of plans and specifications).

Fiscal Report

1. Total project cost, including Maine Historic Preservation Commission share.
2. Final work cost breakdown.
3. Brief narrative explaining any differences between original work cost estimates and final costs.

PART 2

Case Study Narrative

1. Brief (one to two pages) narrative of preservation or restoration needs prior to grant award.
2. At least one 4"X6" color photograph of the condition of each work category prior to grant funded work.
3. At least one 4"X6" color photograph of work in progress for each work category.
4. At least one 4"X6" color photograph of work completed for each work category.
5. Brief (one to two pages) narrative of completed project work, including reference to consultants' reports, test results, and products and materials used to accomplish the preservation or restoration objective(s).
6. A proposed maintenance schedule based upon the particular problems encountered and addressed.
7. Brief (one to two pages) narrative of preservation problems that still need to be addressed.